

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID E. MACK
Plaintiff,

v.

**ACCOUNT DISCOVERY
SYSTEMS, LLC**
Defendant.

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Case No. 4:16-cv-373-ALM-CAN

REPORT OF RULE 26(f) PLANNING CONFERENCE

In accordance with the Court's Order to Conduct Rule 26(f) Conference dated July 5, 2016, and the Federal Rules of Civil Procedure, David Mack (Plaintiff) and Account Discovery Systems, LLC (Defendant) hereby submit this Report of Rule 26(f) Planning Meeting and state as follows:

1. Rule 26(f) Conference: The Rule 26(f) Conference was held on July 7, 2016 between Plaintiff David Mack, proceeding *pro se* and Brendan H. Little, counsel for Account Discovery Systems, LLC.

2. Description of the Case

A. Plaintiff's Factual and Legal Contentions: Plaintiff alleges that Account Discovery Systems, LLC violated 47 U.S.C. § 227(b)(1)(A)(iii) by calling Plaintiff's wireless phone with an automatic telephone dialing system without his express consent on 35 separate occasions.

Defendant's Factual and Legal Contentions: Defendant denies the allegations in the Complaint.

3. **Jurisdictional Basis:** Federal Question Jurisdiction, 28 U.S.C. § 1331.

4. **Initial Disclosures:** The parties will complete the initial mandatory disclosures by **August 4, 2016** as required by this Court's July 5, 2016 Order.

5. **Proposed Scheduling Order Deadlines:**

- (1) Deadline for Motions to Transfer: **August 31, 2016.**
- (2) Deadline to add parties: **October 5, 2016.**
- (3) If the parties plan to mediate, state date parties propose: If the parties are unable to settle this matter, they will agree to mediate this matter so long as it continues to be meaningful to do so and after time for some discovery on or before N/A
- (4) Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **November 2, 2016.**
- (5) Deadline for Plaintiff to file amended pleadings: **November 16, 2016.**
- (6) Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **November 30, 2016.**
- (7) Deadline to object to any other party's expert witnesses is **6 weeks** after disclosure of an expert is made.
- (8) Deadline for Defendant's final amended pleadings: **November 30, 2016.**
- (9) Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions: **November 30, 2016.**
- (10) All discovery shall be commenced in time to be completed by **February 8, 2017.**
- (11) Notice of intent to offer certified records: **June 9, 2017.**

- (12) Counsel and unrepresented parties are responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form by **June 9, 2017.**
- (13) Video deposition designations are due by **June 16, 2017.**
- (14) Motions in limine are due by **June 21, 2017.**
- (15) Responses to motions in limine, objections to witnesses, deposition extracts and exhibits listed in the pre-trial order are due by **July 7, 2017.**
- (16) The parties will file the proposed jury instructions/form of verdict by **July 7, 2017.**

6. **Mediation:** The parties do not believe that mediation is appropriate and are not interested in doing so.

7. **Identity of Persons Expected to be Deposed:**

A. **Plaintiff:** Plaintiff will depose corporate representative and person(s) with managerial oversight of all telephonic systems and interconnected equipment and training of collection personnel.

B. **Defendant:** Defendant will depose the Plaintiff and reserves the right to depose any third-parties.

8. **Any Issues Relating to Disclosure or Discovery of Electronically Stored Information:** None at this time.

9. **Whether any Other Orders Should be Entered by the Court Pursuant to Fed. R. Civ. P. 26(c), 16(b) or 16(c):** Both parties will agree to a protective order regarding discovery.

10. **Expected Length of Trial:** The parties anticipate trial will take 1-2 days.

11. **Attorneys Appearing on Behalf of the Parties at the Management Conference:**

David Mack 7720 McCallum Blvd. #2099 Dallas, TX 75252 972-735-9642 mack2001@swbell.net Plaintiff, pro se	Brendan H. Little LIPPES MATHIAS WEXLER FRIENDMAN LLP 50 Fountain Plaza, Suite 1700 Buffalo, NY 14202 blittle@lippes.com Attorney for Defendant, Account Discovery Systems, LLC
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12. **Any Other Matters Counsel Deem Appropriate for Inclusion in the Joint Conference Report:** The parties do not consent to a trial before a magistrate judge.

Dated this 7th day of July 2016.

Respectfully Submitted,

s/ David E. Mack

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/s Brendan H. Little

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